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BARRY W. CHAPIN, ESQ.
CHAPIN INTELLECTUAL PROPERTY LAW, LLC
WESTBOROUGH OFFICE PARK
1700 WEST PARK DRIVE
WESTBOROUGH, MA 01581

EXAMINER

DIVECHA, KAMAL B

ART UNIT	PAPER NUMBER
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2151

MAIL DATE	DELIVERY MODE
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01/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/042,092

Applicant(s)

SCHEER ET AL.

Examiner

KAMAL B. DIVECHA

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Action is in response to communications filed 10/30/07.

Claims 1, 2, 7-9, 20, 22, 25, 28-35 and 37-39 are pending.

Claims 3-6, 10-19, 21, 23-24, 26-27 and 36 were previously cancelled.

Response to Arguments

Applicant's arguments filed October 30, 2007 have been fully considered but they are not persuasive.

In response filed, applicant argues in substance that:

- a. Abboud does not show, teach or disclose deployment of multiple dissimilar servers from a single design - each Abboud deployment is a discrete action independent of deployment of other devices (remarks, pg. 7).

In response to argument [a], Examiner respectfully disagrees.

Independent claim 1 recites:

A method, comprising:

receiving a design list for a network of servers, the design list comprising functions of the network, amount of hardware for the network, type of hardware for the network and number of WAN IP addresses assigned to the network;

generating a plurality of network designs for the network based upon a design rule and the design list, further comprising receiving a first network design of the plurality of network designs, and wherein the design rule determines a first server in the network is a gateway server layered in a network location such that the gateway server is first in receiving all incoming data packets to the network;

configuring software and hardware settings for a second server in the network, the software and hardware settings including switches, jumpers, IP address, links, ports and values of software parameters, the configuration of the software and hardware settings based upon the design rule and the first network design;

building a digital image with the software and hardware settings for the second server, the second server having a different server type than the first server and operable to support dissimilar operations; and
deploying the digital image onto the second server.

Initially, it is noted that the features upon which applicant relies (i.e., deployment of multiple dissimilar servers from a single design) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The claim does suggest configuring and/or deploying multiple dissimilar servers, but it fails to explicitly disclose or suggest the deployment from a single design.

In fact, the claim does not even suggest that the generated and/or received network design includes multiple dissimilar servers. The claim merely refers to configuration of a second server, which may be different in type and functions.

In any event, as set forth in the previous office action, see Non-Final mailed 5/30/07, pg. 12, Abboud does not disclose the process of receiving a design list for a network of servers, and generating a network design for the network.

Abboud et al.

Abboud clearly teaches and/or discloses the method and system for configuring and/or reconfiguring plurality of servers (See fig. 2 reproduced below) in order to enable the plurality of servers to provide different purpose and/or function(s) by re-provisioning (pg. 1 [0007], [0010], [0012]).



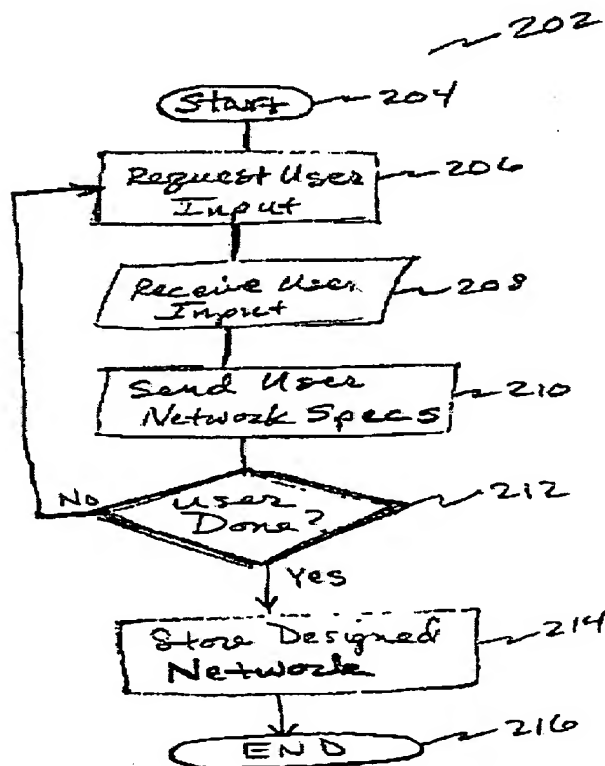
The screenshot displays the 'RMI Advanced Appliance Configuration Utility' window. The left-hand tree view shows a hierarchy starting with 'All Appliances', followed by 'Groups, Listed in Search Order', and then 'Web Hosting'. Under 'Web Hosting', there is a 'Settings' folder and a 'Group Type' folder. The 'Assigned Appliances' folder is selected, showing a list of appliances, with 'NAME-1457819' highlighted. A context menu is open over this list, providing options: 'Remove Appliance', 'Assign to First Matching Group', 'Edit Appliance', 'Restore Factory Image', 'Create Appliance Image', and 'Apply Appliance Image'. The right-hand pane, titled 'System', displays details for the selected appliance: Serial Number (1457819), Hostname (NAME-1457819), DNS Domain Name (mshigh.ibm.com), Appliance Group Type (xSeries Web Hosting Appliances), Model Number (6654BDX), signed by: Static Settings, Win2000, and Online. The bottom section, 'Web Based Management', shows the URL '1.1.1.84:1411' and a 'Start Web Management' button.

Fig. 6

Steitle et al.

As set forth in the previous office action, see Non-Final action mailed 5/30/07, pgs. 4-5, Steitle, in its clear context, expressly discloses designing a network comprising a firewall server, switches, server farm and/or web server (See fig. 4).

Stated another way, Steitle explicitly discloses the process of generating and/or receiving a network design based on rules and specifications, for example, see fig. 2 and fig. 4 reproduced herein.



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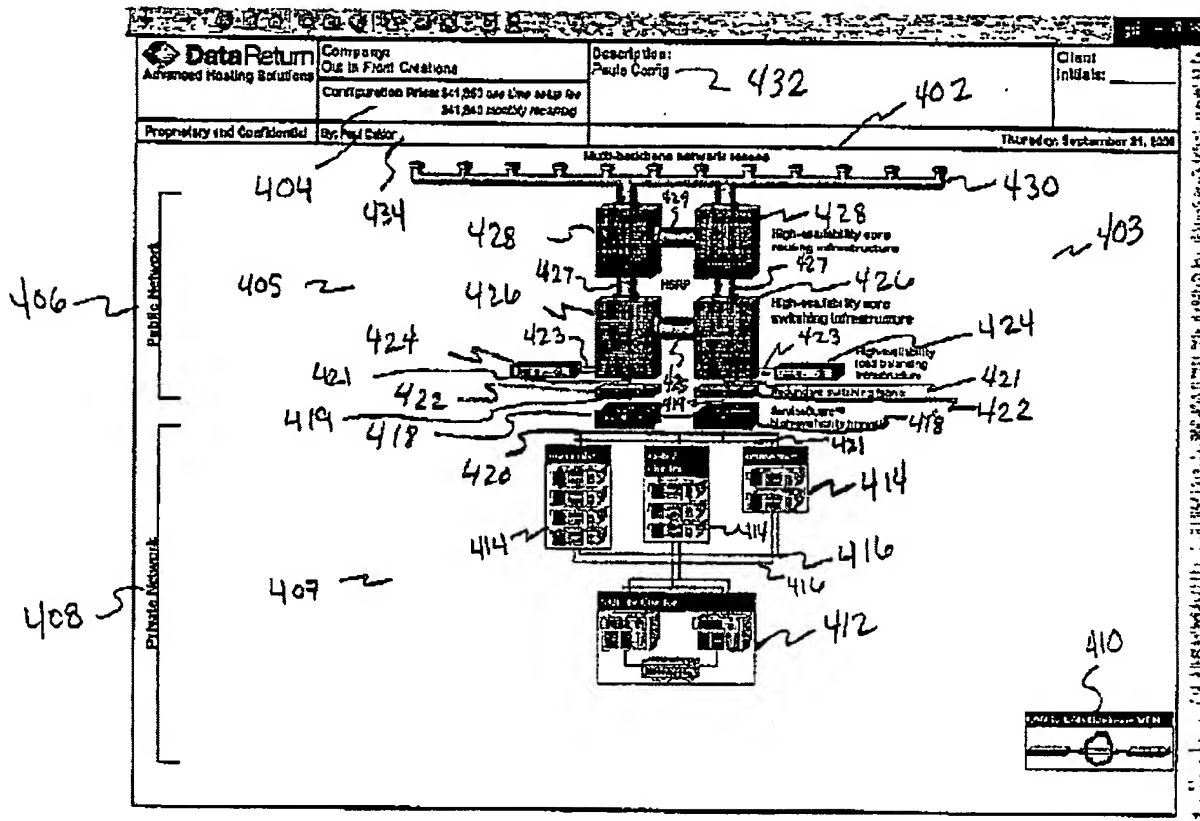


FIG. 4

In view of applicant's specification (See [0021]), the first server may correspond to a firewall server and the second server may correspond to email and/or web servers, which are clearly disclosed in a designed network of fig. 4 item #418, and item #414 that are specifically operable to support dissimilar operations.

As such, Steitle discloses deployment of multiple dissimilar servers from a single design as set forth above.

b. Nowhere in Steitle, alone or in combination, is there a showing, teaching, or disclosure of deploying an executable image based on the generated design, nor of dynamically updating the design, as recited in claims 1 and 9 respectively (remarks, pg. 8).

In response to argument [b], Examiner respectfully disagrees.

Dependent claim 9 recites:

The method of claim 1, further comprising:
rebuilding the digital image for the first server in the network; and
redeploying the digital image for the first server.

First, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., dynamically updating the design) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The combination of claim 1 and 9, respectively does not teach or suggest dynamically updating the design, more specifically, network design.

Stated another way, rebuilding the digital image for the first server in the network; and redeploying the digital image for the first server does not, by itself, teach or suggest dynamically updating the design.

As per deploying an executable image, i.e. digital image or software, based on the generated design, Steitle explicitly discloses configuring the network based on the generated design to achieve a configured network comprising firewall, switches, routers, web servers, etc. (See fig. 4, pg. 2 [0023-0027]).

Logically speaking, the devices as in figure 4 must have been configured through deployment and/or configuration of the software, i.e. digital image, onto to the respective hardware elements to implement the device to function as a firewall, router, switch, etc.

In any event, Steitle discloses configuring the network based on the network design, for example, fig. 4, and Abboud discloses deploying executable images onto the servers, see fig. 2 and fig. 6 reproduced above, and, thus, the combination clearly discloses of deploying an executable image based on the generated design.

As per dynamically updating design, if it intends to logically teach dynamically updating the software configuration of the servers, then, Abboud clearly discloses this feature; for example, see fig. 2 and fig. 6 above.

Therefore, applicant's arguments directed towards the distinction between the prior art and the claimed invention based on the features above are considered not persuasive as set forth above.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 20, 22, 31 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recites:

A computer apparatus having a computer readable storage medium encoded with a set of instructions that, when executed by a processor in the computer, cause the computer to perform a method, comprising:

means for ...
means for...
means for ...
means for ...
means for...

Claim 20 is indefinite because it is unclear whether the “means” are associated with instructions, storage medium, method or computer apparatus, enabling the scope of the claim unascertainable.

In other words, it is unclear whether the claim is directed towards the statutory category or non-statutory category of 35 U.S.C. 101.

Claims 22, 31 and 32, they are rejected for the same reasons as set forth in claim 20.

For examination purposes, the means will be interpreted as including set of instructions, resulting in a following:

A computer apparatus having a computer readable storage medium encoded with a set of instructions that, when executed by a processor in the computer, cause the computer to perform a method, the set of instructions comprising:

Applicant is suggested to include “the set of instructions” as shown above, which will overcome the 35 U.S.C. 112, second paragraph rejection and 35 U.S.C. 101 rejections with respect to these claims.

Note: The 35 U.S.C. 112, second paragraph rejection with respect to claim 39 presented in the previous office action is withdrawn due to claim amendments.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 25, 28, 29 and 33-35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 25 recites:

An apparatus comprising:
graphic user interface having a function to receive a design list for a network of servers, the design list comprising functions of the network, amount of hardware for the network, type of hardware for the network, and number of WAN IP addresses assigned to the network;
design rule logic having design instructions, wherein the design instructions determine a first server in the network is a gateway server layered in a network location such that the gateway server is first to receive all incoming data packets to the network;
network topology logic having a function to generate a plurality of network designs for the network according to the design list and the design instructions, wherein a first design of the plurality of network designs is selected through the graphic user interface;
configuration logic to configure software and hardware settings for a second server in the network, the software and hardware settings including switches, jumpers, IP address, links, ports and values of software parameters, the configuration of the software and hardware settings based upon the design instructions and the first network design;
digital image building logic to build a digital image with the software and hardware settings for the second server and
deployment logic to deploy the digital image onto the second server, the second server accessible to network traffic via the first server.

Initially, the claim fails to fall into any of the four enumerated category of the statutory subject matter as set forth above.

Although the claim recites the term “apparatus”, the claim actually lacks the necessary physical articles/objects/elements/components to constitute a machine or a manufacture within

the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter.

As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

[Descriptive material can be characterized as either “functional descriptive material” or “nonfunctional descriptive material.” Both types of “descriptive material” are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994).

Merely claiming nonfunctional descriptive material, i.e., abstract ideas stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make the claim statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer”).]

The logic as in the claim are clear indication of a computer code, program, listing, subroutines, etc., enabling the claim to be directed towards software *per se*.

Hence, the claim fails to place the claimed invention, more specifically claims 25, 28, 29 and 33-35, squarely within one statutory class of invention as set forth above.

See MPEP § 2106 (IV) for more on compliance with 35 U.S.C. 101.

Note: The 101 rejection with respect to claims above was initially presented in the previous office action dated 5/30/07, See pg. 10, but applicant has failed to address this rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 2, 7, 9, 20, 25, 28, 29, 31, 33 and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abboud et al. (hereinafter Abboud, US 2002/0184484 A1) in view Steitle et al. (hereinafter Steitle, US 2002/0188700 A1).

As per claim 25, Abboud discloses an apparatus comprising:

graphic user interface (fig. 6 item #600);

configuring logic to configure network settings, including IP addresses, links and ports for a first server in the network (pg. 3 block #36);

digital image building logic to build a digital image with the network settings for the second server in the network, the second server having different server type than the first server

and operable to support dissimilar operations (pg. 2 block #15, pg. 5 block #50 and fig. 4B item #459); and

deployment logic to deploy the digital image onto the second server in the network, the second server accessible to network traffic via the first server (fig. 2, pg. 2 block #16, pg. 3 block #32, 36 pg. 5 block #47, 51, pg. 6 block #61 and fig. 4A item #405).

However, Abboud does not disclose the process of receiving a design list for a network of servers, the design list comprising functions of the network, amount of hardware for the network, type of hardware for the network and number of WAN IP addresses assigned to the network; generating a plurality of networks designs for the network based upon the design rule and the design list wherein the design rule determines a first server in the network is a gateway server layered in a network location such that the gateway server is the first in receiving all incoming data packets to the network, and configuring software and hardware settings including switches, jumpers, for the server based upon the design rule and network design.

Steitle, from the same field of endeavor discloses the process of receiving a design list for a network of servers, the design list comprising functions of the network, amount of hardware for the network, type of hardware for the network and number of WAN IP addresses assigned to the network; generating a plurality of networks designs for the network based upon the design rule and the design list wherein the design rule determines a first server in the network is a gateway server layered in a network location such that the gateway server is first in receiving all incoming data packets to the network (i.e. a firewall server), and configuring software and hardware settings including switches, jumpers, for the server based upon the design rule and network design, the second server having different server type than the first server and operable to

support dissimilar operations, and wherein the second server is accessible to network traffic via the first server (fig. 2, fig. 4: shows the designed network including servers, firewall, routers, web server, etc., pg. 1 [0012-0015], pg. 2 [0019-0021], [0023-0026]).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Abboud in view of Steitle in order to design a network and configure the software and hardware based upon the design rule and the designed network.

One of ordinary skilled in the art would have been motivated because it would have allowed a user to design and implement a network comprising servers, routers, firewalls, etc. (Steitle, pg. 1 [0005], [0012]).

As per claim 2, Abboud discloses a system wherein the network comprises a server farm wherein the network handles variable workloads and wherein all functions of the network continue in the event the second server of the network fails (pg. 1 block#7 and fig. 2, Steitle, fig. 4).

As per claim 7, Abboud discloses the process of dynamically building the digital image (pg. 5 block #49-50 and pg. 6 block #58).

As per claim 9, Abboud discloses the process of rebuilding the digital image for at least one server in the network and redeploying the digital image for the at least one server (pg. 5 block #52, fig. 6 item #600 and pg. 6 block #58).

As per claim 29, Abboud discloses a system comprising a database to store one or more digital images of a server, one or more network topologies, and network configurations (pg. 5 block #55, pg. 6 block#61).

As per claim 31, Abboud does not disclose the process wherein the design rule instructing how a component in a network can or cannot be employed in the network.

Steitle, from the same field of endeavor discloses the process wherein the design rule instructs how a component in a network can or cannot be employed in the network (fig. 2, fig. 4: shows the designed network including servers, firewall, routers, etc., pg. 1 [0012-0015], pg. 2 [0019-0021], [0023-0026]).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Abboud in view of Steitle in order to provide a rule on how component in a network can or cannot be employed.

One of ordinary skilled in the art would have been motivated because of the same reasons as set forth in claim 25.

As per claim 37, Abboud discloses the process of determining a server type, the server type indicative of the configured parameters (fig. 6: shows the server type, model number and the platform).

As per claim 38, Abboud in view of Steitle discloses the process of determining for each of the deployed images, cohesive settings operable to interconnect servers receiving the deployed images (i.e. redundant connections, Steitle, fig. 4: design of a network comprising redundant links; Applicant Admitted Prior Art, remarks, pg. 7).

As per claims 1, 20, 28 and 33, they do not teach or further define over the limitations in claims 2, 7, 9, 25, 29, 31 and 37-38. Therefore claims 1, 20, 28 and 33 are rejected for the same reasons as set forth in claims 2, 7, 9, 25, 29, 31 and 37-38.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abboud et al. (hereinafter Abboud, US 2002/0184484 A1) in view Steitle et al. (hereinafter Steitle, US 2002/0188700 A1), and further in view of Haun et al. (hereinafter Haun, U. S. Patent No. 6,751,658 B1).

As per claim 8, Abboud in view of Steitle does not explicitly disclose the process of deploying the dynamically built image over a network connection in response to a net boot request from a first server.

Haun, from the same field of endeavor, discloses the process of transferring the boot image over a network connection in response to a net boot request from a network client (a network computer or server, fig. 3 step# 355, 375, 380, 385 and col. 9 L9 to col. 10 L16).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Haun as stated above with Abboud and Steitle in order to transfer or deploy the boot image in response to a net boot request from a server.

One of ordinary skilled in the art would have been motivated because net booting approach greatly simplifies network computers client administration and provides a high level of reliability for the network computers and/or servers (Haun, col. 9 L33-36).

5. Claims 22, 30, 32, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abboud et al. (hereinafter Abboud, US 2002/0184484 A1) in view in view Steitle et al. (hereinafter Steitle, US 2002/0188700 A1), and further in view of Li et al. (hereinafter Li, US 6,012,088).

As per claim 30, Abboud in view of Steitle does not disclose the process wherein the number of WAN IP addresses being fewer than the numbers of servers in the network and wherein configuring network settings comprising sending a request to a Domain Name system Server.

Li discloses a system comprising a DNS server, DHCP server and a NAT server that translates host and network addresses (fig. 6 item #236, 238, 210, col. 2 L60-67, col. 8 L15-34: note that whenever a NAT server is configured in the network, it implies that the local network has fewer global or WAN IP addresses than the number of hosts in the network, and the NAT server solves the problem by translating the local IP address to the global IP address).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Abboud and Steitle in view of Li in order to include NAT and DNS servers in the network.

One of ordinary skill in the art would have been motivated because it would have enabled communications between the local area network (LAN) and the Internet (Li, col. 2 L60-67, col. 8 L24-26).

As per claim 32, Abboud in view of Steitle does not disclose the system wherein configuration means includes a DNS server and a NAT server, the NAT server to route data packets to and from a virtual IP address of the network.

Li explicitly discloses the system comprising a Domain Name system and a network address translator (NAT) for routing the data packets from virtual IP address to the Internet or external network (fig. 6 item #236, 238, 210, col. 2 L60-67, col. 8 L15-34).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Abboud and Steitle in view of Li, in order to include a Domain Name server and NAT server.

One of ordinary skilled in the art would have been motivated in order to enable the local area network (LAN) to communicate with the Internet successfully (Li, col. 2 L60-67, col. 8 L24-26).

As per claims 22, 34 and 35, they do not teach or further define over the limitations in claims 30 and 32. Therefore claims 22, 34 and 35 are rejected for the same reasons as set forth in claims 30 and 32.

6. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abboud et al. (hereinafter Abboud, US 2002/0184484 A1) in view Steitle et al. (hereinafter Steitle, US 2002/0188700 A1), and further in view of Raymond et al. (hereinafter Raymond, US 6,108,697).

As per claim 39, Abboud and Steitle does not discloses the process of deploying images for a plurality of servers at substantially same time.

Raymond discloses the process of transferring and/or downloading the images for plurality of servers at the same time (col. 3 L14-16, col. 4 L30-54).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Abboud and Steitle in view of Raymond in order to deploy and/or transfer images for pluraltiy of servers at the same time.

One of ordinary skilled in the art would have been motivated because it would have configured plurality of servers at the same time (Raymond: col. 3 L66 to col. 4 L9).

Additional References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Abboud et al., U. S. Patent No. 6,636,958 B2.
- b. Ludovici et al., U. S. Patent No. 6,567,849 B2.
- c. Wilde et al., U. S. Patent No. 6,066,182.
- d. Knox et al., U. S. Patent No. 5,978,911.
- e. Selitrennikoff et al., U. S. Patent No. 6,301,612 B1.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Increased Flex Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kamal Divecha/

Kamal Divecha
Art Unit 2151

 **JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**